

1.1 A bill for an act
1.2 relating to the State Building Code; modifying municipal enforcement
1.3 provisions; amending Minnesota Statutes 2008, sections 326B.106, subdivision
1.4 4; 326B.121, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 326B.106, subdivision 4, is amended to
1.7 read:

1.8 Subd. 4. **Special requirements.** (a) **Space for commuter vans.** The code must
1.9 require that any parking ramp or other parking facility constructed in accordance with the
1.10 code include an appropriate number of spaces suitable for the parking of motor vehicles
1.11 having a capacity of seven to 16 persons and which are principally used to provide
1.12 prearranged commuter transportation of employees to or from their place of employment
1.13 or to or from a transit stop authorized by a local transit authority.

1.14 (b) **Smoke detection devices.** The code must require that all dwellings, lodging
1.15 houses, apartment houses, and hotels as defined in section 299F.362 comply with the
1.16 provisions of section 299F.362.

1.17 (c) **Doors in nursing homes and hospitals.** The State Building Code may not
1.18 require that each door entering a sleeping or patient's room from a corridor in a nursing
1.19 home or hospital with an approved complete standard automatic fire extinguishing system
1.20 be constructed or maintained as self-closing or automatically closing.

1.21 (d) **Child care facilities in churches; ground level exit.** A licensed day care center
1.22 serving fewer than 30 preschool age persons and which is located in a belowground space
1.23 in a church building is exempt from the State Building Code requirement for a ground
1.24 level exit when the center has more than two stairways to the ground level and its exit.

2.1 (e) **Family and group family day care.** Until the legislature enacts legislation
2.2 specifying appropriate standards, the definition of dwellings constructed in accordance
2.3 with the International Residential Code as adopted as part of the State Building Code
2.4 applies to family and group family day care homes licensed by the Department of Human
2.5 Services under Minnesota Rules, chapter 9502.

2.6 (f) **Enclosed stairways.** No provision of the code or any appendix chapter of the
2.7 code may require stairways of existing multiple dwelling buildings of two stories or
2.8 less to be enclosed.

2.9 (g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter
2.10 of the code may prohibit double cylinder dead bolt locks in existing single-family homes,
2.11 townhouses, and first floor duplexes used exclusively as a residential dwelling. Any
2.12 recommendation or promotion of double cylinder dead bolt locks must include a warning
2.13 about their potential fire danger and procedures to minimize the danger.

2.14 (h) **Relocated residential buildings.** A residential building relocated within or
2.15 into a political subdivision of the state need not comply with the State Energy Code or
2.16 section 326B.439 provided that, where available, an energy audit is conducted on the
2.17 relocated building.

2.18 (i) **Automatic garage door opening systems.** The code must require all residential
2.19 buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82
2.20 and 325F.83.

2.21 (j) **Exit sign illumination.** For a new building on which construction is begun
2.22 on or after October 1, 1993, or an existing building on which remodeling affecting 50
2.23 percent or more of the enclosed space is begun on or after October 1, 1993, the code must
2.24 prohibit the use of internally illuminated exit signs whose electrical consumption during
2.25 nonemergency operation exceeds 20 watts of resistive power. All other requirements in
2.26 the code for exit signs must be complied with.

2.27 (k) **Exterior wood decks, patios, and balconies.** The code must permit the decking
2.28 surface and upper portions of exterior wood decks, patios, and balconies to be constructed
2.29 of (1) heartwood from species of wood having natural resistance to decay or termites,
2.30 including redwood and cedars, (2) grades of lumber which contain sapwood from species
2.31 of wood having natural resistance to decay or termites, including redwood and cedars, or
2.32 (3) treated wood. The species and grades of wood products used to construct the decking
2.33 surface and upper portions of exterior decks, patios, and balconies must be made available
2.34 to the building official on request before final construction approval.

2.35 (l) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may
2.36 be imposed by municipalities under the State Building Code, except as required under

3.1 section 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section
3.2 326B.92 administered by the Department of Labor and Industry. All data regarding the
3.3 material production processes, including the bioprocess system's structural design and
3.4 layout, are nonpublic data as provided by section 13.7911.

3.5 (m) **Use of ungraded lumber.** The code must allow the use of ungraded lumber in
3.6 geographic areas of the state where the code did not generally apply as of April 1, 2008, to
3.7 the same extent that ungraded lumber could be used in that area before April 1, 2008.

3.8 (n) **Electrical code and agricultural buildings.** Requirements under Article 547
3.9 of the National Electrical Code shall be required only when there is a demonstrated risk
3.10 resulting from the presence of excessive accumulations of dust and dust with water
3.11 where a corrosive atmosphere exists, or in animal confinement buildings housing animals
3.12 sensitive to small voltage gradients.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.14 Sec. 2. Minnesota Statutes 2008, section 326B.121, subdivision 2, is amended to read:

3.15 Subd. 2. **Municipal enforcement.** (a) If, as of January 1, 2008, a municipality
3.16 has in effect an ordinance adopting the State Building Code, that municipality must
3.17 continue to administer and enforce the State Building Code within its jurisdiction. The
3.18 municipality is prohibited from repealing its ordinance adopting the State Building Code.
3.19 This paragraph does not apply to municipalities with a population of less than 2,500
3.20 according to the last federal census that are located outside of a metropolitan county, as
3.21 defined in section 473.121, subdivision 4.

3.22 (b) If a municipality is not required by paragraph (a) to administer and enforce the
3.23 State Building Code, the municipality may choose to administer and enforce the State
3.24 Building Code within its jurisdiction by adopting the code by ordinance.

3.25 (c) A municipality must not by ordinance, or through development agreement,
3.26 require building code provisions regulating components or systems of any structure that
3.27 are different from any provision of the State Building Code. This subdivision does not
3.28 prohibit a municipality from requiring existing components or systems of any structure to
3.29 be maintained in good repair, but not exceeding the provisions under which the structure
3.30 was built, unless specific retroactive provisions for existing buildings have been adopted
3.31 as part of the State Building Code. A municipality may, with the approval of the state
3.32 building official, adopt an ordinance that is more restrictive than the State Building Code
3.33 where geological conditions warrant a more restrictive ordinance. A municipality may
3.34 appeal the disapproval of a more restrictive ordinance to the commissioner. An appeal

4.1 under this subdivision is subject to the schedule, fee, procedures, cost provisions, and
4.2 appeal rights set out in section 326B.139.

4.3 (d) A city may by ordinance and with permission of the township board extend the
4.4 administration and enforcement of the code to contiguous unincorporated territory not
4.5 more than two miles distant from its corporate limits in any direction if the code is not
4.6 already administered and enforced in the territory. Where two or more noncontiguous
4.7 cities, which have elected to administer and enforce the code, have boundaries less than
4.8 four miles apart, each is authorized to enforce the code on its side of a line equidistant
4.9 between them. Once enforcement authority is extended extraterritorially by ordinance, the
4.10 authority may continue to be exercised in the designated territory even though another
4.11 city less than four miles distant later elects to enforce the code. After the extension, the
4.12 city may enforce the code in the designated area to the same extent as if the property
4.13 were situated within its corporate limits. Enforcement of the code in an extended area
4.14 outside a city's corporate limits includes all rules, laws, and ordinances associated with
4.15 administration of the code.

4.16 (e) A city cannot commence administration and enforcement of the code outside of
4.17 its jurisdiction until it has provided written notice to the commissioner, the county auditor,
4.18 and the town clerk of each town in which it intends to administer and enforce the code. A
4.19 public hearing on the proposed administration and enforcement must be held not less than
4.20 30 days after the notice has been provided. Administration and enforcement of the code
4.21 by the city outside of its jurisdiction commences on a date determined by the city that is
4.22 no less than 90 days nor more than one year after the public hearing.

4.23 (f) A municipality may enforce the State Building Code by any means that are
4.24 convenient and lawful, including entering into contracts with other municipalities under
4.25 section 471.59 and with qualified individuals. The other municipalities or qualified
4.26 individuals may be reimbursed by retention or remission of some or all of the building
4.27 permit fee collected or by other means. If a municipality has no qualified employees
4.28 of the municipality or other municipalities or qualified individuals available to carry
4.29 out inspection and enforcement, the commissioner shall train and designate individuals
4.30 available to carry out inspection and enforcement. The commissioner may be reimbursed
4.31 for the inspection by retention or remission of some or all of the building permit fee
4.32 collected or by other means.

4.33 (g) Nothing in this subdivision prohibits a municipality from adopting ordinances
4.34 relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision
4.35 of the State Building Code that regulates components or systems of any structure.